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In re Application of:
Ramabadran S. Raghavan

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For: Internet Distributed Access Network
Architecture

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Michael G. Fletcher

**REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41 AND IN RESPONSE
TO THE EXAMINER'S ANSWER MAILED JANUARY 23, 2008**

This Reply Brief is being filed pursuant to 37 C.F.R. § 41.41 and in response to the Examiner's Answer mailed on January 23, 2008. Specifically, this Reply Brief addresses the Examiner's continuing pattern of misinterpretation of Chen et al., U.S. Publication No. 2003/0211859 (hereinafter "Chen") and Hata et al., U.S. Publication No. 2002/0098845 (hereinafter "Hata") and the pending claims. However, in the interest of brevity, Appellants address below only those issues or arguments raised by the Examiner's Answer that are particularly noteworthy. In view of Appellants' attempt to avoid repetition in this Reply, Appellants respectfully request that the Board consider Appellants' complete arguments set forth in the previously filed Appeal Brief.

In the Examiner's Answer, the Examiner reasserted that claims 1-5, 8-11, 17-21, 24, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Hata. Appellants note that a substantial portion of the Examiner's Answer is merely a restatement of the basic position set forth by the Examiner in the Final Office Action

mailed February 26, 2007. Indeed, the initial portion of the Examiner's Answer is apparently identical to the text from the Final Office Action. Accordingly, the arguments set forth by the Appellants in the Appeal Brief filed August 29, 2007, which addressed the Examiner's arguments in the Final Office Action, remain pertinent.

In addition to the restatement of the rejections, the Examiner provided additional commentary in a Response to Arguments section. With regard to the Rejection No. 1, the Examiner stated, in pertinent part:

Regarding claims 1, 17, and 20, Chen discloses communication between the transceiver unit (base station 204 communicating with group call server, see figs. 1 and 2, p. 2, [0019], [0025]) and the access network unit (communication between communication devices CDs 104 and the group call server GCS 102, see figs. 1, 3, and 5, p. 2, [0019]-[0020], p. 3, [0029], p. 4, [0038]). The group call server GCS 102 clearly discloses the claimed limitation of "access network unit" because it is used for call processing/initiation functions in the Chen reference (see p. 3, [0028], [0034], [0038]-[0039]). Hata is used to disclose the functionality of the claimed limitation "wherein the communication between the transceiver and the access network unit is independent of a dedicated connection". The wireless base station 104 communicates with a server via the internet indicating that the communication between the server 102 and wireless base station 104 is "independent of a dedicated connection" (see p. 3, [0041]). The Hata reference is used to show the functionality of an undedicated network connection between a transceiver unit and an access network unit or server. The examiner respectfully disagrees with the appellant's assertion that the wireless base station of Hata is analogous to a mobile switching center. As disclosed in Hata, element 104 is a wireless base station capable of communicating with a mobile terminal 101 (see p. 3, [0040]). The examiner therefore maintains that Chen, as modified by the teaching of Hata, discloses the claimed limitations as recited in claims 1, 17, and 20.

Regarding claim 20, the applicant asserts that Chen fails to disclose, teach or suggest processing information into the form of a “packet” suitable for transmission via a public network after the information is received by a transceiver via an air interface. The examiner respectfully disagrees. According to the Chen reference, the group call server sends/forwards media data sent from a caller’s CD to a plurality of communication devices CDs (see fig. 5, p. 4, [0039], [0048]), the media data transmitted to the communication devices is received by the base station 204 on the reverse link is processed and transmitted to the group call server (see figs. 1-3, 5, p. 2-3, [0025]-[0026], [0029] p. 4, [0038]-[0039], p. 5, [0048]). This clearly reads on the claimed limitation of processing information into the form of a “packet” suitable for transmission via a public network after the information is received by a transceiver via an air interface. The examiner therefore maintains that Chen discloses the claimed limitations as recited in claim 20.

Examiner’s Answer, pages 15-16.

Independent Claims 1 and 17

In contrast to the Examiner’s assertion, the Hata reference clearly does not disclose “wherein the communication between the transceiver and the access network unit is independent of a dedicated connection,” as set forth in the claims. Indeed, there is nothing in the Hata reference that can reasonably be considered an access network unit, much less communication between an access network unit and a transceiver unit that is independent of a dedicated connection. In this regard, Appellants re-iterate that the Hata reference is directed to a wireless system that is significantly different from the system disclosed in the instant application. Specifically, as set forth in the Appeal Brief, the Hata reference is directed to a system that provides wireless Internet access via wireless base stations such as wireless base station 104. *See* Hata, Fig. 7; paragraphs 7-9. Such wireless Internet systems are well known in the art, are becoming increasingly common in public life, and may be referred to as Wi-Fi hotspots. *See* Hata, paragraph 4 (discussing permitting users to have Internet access free from time or space limitations).

These systems are based on IEEE 802.11 wireless standards for wireless local area networks.

The instant application, however, is directed to “wireless communication systems, sometimes referred to as mobile telephone systems or cellular telephone systems.” Application, p. 2, lines 17-20. These wireless communication systems are drastically different in both structure and function from the wireless Internet networks to which the Hata reference is directed, and the differences preclude an accurate analogy of features disclosed by the Hata reference with the features set forth in the claims.

Despite the obvious differences between the Hata reference and the instant application, the Examiner continues to maintain that Hata discloses “communication between the transceiver and the access network unit is independent of a dedicated connection,” citing to the communication between the server 102 and the wireless base station 104 of the Hata reference.

Appellants reassert that such an interpretation is inaccurate at best. Specifically, the Examiner’s argument that Hata’s server is the equivalent of an access network unit is unreasonable because, in view of Hata’s very cursory discussion of the server 102, it seems clear that the server 102 is an end point and originator of data and that it does not participate in any call processing or control functions. *See id.* at paragraph 44. By contrast, the access network unit as Applicants have described it must participate in call processing and control functions, and that it is not an end point and originator of data. *See* specification, page 11, lines 5-8; page 12, line 21 through page 13, line 2; Fig. 1 .

Moreover, to interpret the Hata reference in a light most favorable to the Examiner’s position, the wireless base station 104 should be analogized to a mobile switching center. Appellants’ reason is that Hata’s wireless base station 104 is the only device that provides any routing functionality and is the only device discussed by Hata that allows for access to a network (which in the case of the Hata reference is the

Internet). *See* Hata, Fig. 1; paragraph 40. As discussed in detail in the present application, a mobile switching center provides a connection between a mobile device and another telephone and includes devices that control switching functions, call processing, etc. *See* specification, page 3, lines 10-14. Because the wireless base station provides access to the Internet so that it may communicate with the server 102 and because it provides the routing functions required to facilitate communication between the server 102 and the mobile terminal 101, it is most closely analogous to a mobile switching center.

Thus, as the Internet disclosed in Fig. 1 of the Hata reference is the only connection “independent of a dedicated connection,” there cannot possibly be communication between an *access network unit* and a *transceiver unit independent of a dedicated connection*, as set forth in claims 1 and 17, disclosed by Hata, as there is nothing that can reasonably be considered analogous to the access network unit in the Hata reference. Therefore, there cannot possibly be communication between an access network unit and a transceiver unit disclosed by the Hata reference. Much less, then, can there be communication between an access network unit and a transceiver unit which is independent of a dedicated connection as, even in a light most favorable to the Examiner’s position, the communication between the mobile terminal and the wireless base station 104 is not over an undedicated public network—it is over a wireless communication link established between the mobile terminal 101 and the wireless base station 104.

The Examiner’s only rebuttal to Appellants assertion that the wireless base station 104 may be analogized with a mobile switching center is that the wireless base station 104 is capable of communication with a mobile terminal 101. *See* Examiner’s Answer, page 15. Appellants agree that the wireless base station 104 can communicate with the mobile terminal 101, but this does not change in any way the accuracy of analogizing the wireless base station 104 with a mobile switching center. Stated differently, the ability to communicate with the wireless base station 104 does not preclude or diminish the

viability of the interpretation of the wireless base station 104 as being the equivalent of a mobile base station. Furthermore, the communication between the wireless base station 104 and the mobile terminal 101 is over a wireless communication link which cannot reasonably be considered the same as being “independent of a dedicated connection,” nor does the Examiner assert such an interpretation. As such, Appellants respectfully maintain that the Hata reference fails to cure the admitted deficiencies of the Chen reference with respect “communication between the transceiver unit and the access network unit is independent of a dedicated connection,” as set forth in claims 1 and 17.

In view of the foregoing discussion, the Appellants respectfully request the Board reverse the rejection of claims 1 and 17, as well as the rejection of all claims depending therefrom.

Furthermore, however, Appellants feel compelled to address the Examiner’s remark to the effect that the Appellants are attempting to attack the references individually. This is simply not the case. Appellants have focused arguments on the Hata reference because the Examiner has admitted a deficiency in the Chen reference. Namely, the Chen reference does not disclose “wherein the communication between the transceiver and the access network unit is independent of a dedicated connection.” Because this feature is concerned with the communicative relationship between the *access network unit and the transceiver*, in order to disclose the feature, the Hata reference necessarily must disclose an *access network unit and a transceiver unit*. Otherwise, *any* communication independent of a dedicated connection may be used by the Examiner as disclosing feature deficient from the Chen reference. As discussed above, however, the Hata reference does not disclose the access network unit, much less communication independent of a dedicated connection between the access network unit and the transceiver.

Independent Claim 20

Additionally, with respect to claim 20, Chen and Hata, alone or in combination, do not teach, disclose, or suggest processing information into the form of a “packet” suitable for transmission via a public network after the information is received by a transceiver via an air interface, as set forth in claim 20. The Examiner cites to Chen, and in particular the reverse channel of the Chen system wherein the group call server 102 communicates data back to the communication devices 104. However, contrary to the Examiner’s assertion, the entirety of the communication channels in Chen, both in the forward direction and in the reverse, are entirely digital. *See* Chen, paragraphs 19-20. As such, the transmissions are always in packet form from origination from either the communication devices 104 or the group call server 102, or anywhere in between, in the communication path disclosed by Chen. There is simply nothing in Chen that can reasonably be considered the equivalent of “receiving information...[and] processing the information to form an information packet,” as set forth in claim 20. The Examiner does not assert that the Hata reference overcomes this deficiency of the Chen reference and, indeed, the Hata reference does not cure this deficiency as it is entirely based on the transmission of packets. As such, there is nothing in Chen nor Hata that can reasonably be considered to disclose, teach, or suggest the processing of information into the form of a packet suitable for transmission via public network after the information is received by a transceiver via an air interface, as set forth in claim 20.

Accordingly, Appellants respectfully request the Board reverse the rejection of claim 20, as well as the rejection of all claims depending therefrom.

Claims 2-5

In addition to providing a response to independent claims 1, 17 and 20, the Examiner commented on claims 2, 3, 4, and 5, stating

Regarding claims 2, 3, 4, and 5, The appellant asserts that the Kowalski reference, the Eilers reference, the Ketonen reference and the Onweller reference fail to disclose communication between the transceiver and an

access network unit over an undedicated public network, wherein the communication between the transceiver and an access network unit is independent of a dedicated connection, as set forth in claim 1. The examiner respectfully disagrees and maintains the arguments as set forth for claim 1 above. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Regarding claims 1, 17, and 20, Chen discloses communication between the transceiver unit (base station 204 communicating with group call server, see figs. 1 and 2, p. 2, [0019], [0025]) and the access network unit (communication between communication devices CDs 104 and the group call server GCS 102, see figs. 1, 3, and 5, p. 2, [0019]-[0020], p. 3, [0029], p. 4, [0038]). The group call server GCS 102 clearly discloses the claimed limitation of "access network unit" because it is used for call processing/initiation functions in the Chen reference (see p. 3, [0028], [0034], [0038]-[0039]). Hata is used to disclose the functionality of the claimed limitation "wherein the communication between the transceiver and the access network unit is independent of a dedicated connection". The wireless base station 104 communicates with a server via the internet indicating that the communication between the server 102 and wireless base station 104 is "independent of a dedicated connection" (see p. 3, [0041]). The Hata reference is used to show the functionality of an undedicated network connection between a transceiver unit and an access network unit or server. The examiner respectfully disagrees with the appellant's assertion that the wireless base station of Hata is analogous to a mobile switching center. As disclosed in Hata, element 104 is a wireless base station capable of communicating with a mobile terminal 101 (see p. 3, [0040]). The examiner therefore maintains that Chen, as modified by the teaching of Hata, discloses the claimed limitations as recited in claims 2-5.

This is confusing in several respects. In particular, the Examiner has never rejected claims 2, 3, 4, and 5 as being unpatentable in view of the Kowalski, the Eilers, the Ketonen, and the Onweller references, and as such, Appellants have never addressed such a rejection in detail. Additionally, while the Examiner only addressed the Chen and Hata references using virtually verbatim the language used with respect to the rejection of claims 1 and 17, the Examiner failed to address with any specificity the Appellants' assertion that claims 4 and 5 present unique and patentable subject matter. Specifically, the Appellants asserted in the Appeal Brief that claims 4 and 5 were not only patentable based upon their dependency from claim 1, but that they also include subject matter that is allowable over the cited art.

Due to the Examiner's complete failure to address the Appellants' remarks with respect to claims 4 and 5, Appellants respectfully re-assert that claims 4 and 5 are allowable for the reasons set forth in the Appeal Brief and respectfully request that the Board reverse the rejection of claims 4 and 5.

For each of the reasons set forth above, Appellants respectfully request that the Board overturn the Examiner's rejection of independent claims 1, 17, and 20, as well as the claims that depend therefrom.

Conclusion

The foregoing are only reiterative points regarding the reasons why the pending claims are allowable. Appellants rely upon all of the reasons advanced in the Appeal Brief, and respectfully request that the Board carefully review the claims in view of these arguments and indicate the allowability of the claimed subject matter.

Respectfully submitted,

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